

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MARGO L. ROYER,)
)
Plaintiff,)
)
v.) CIVIL ACTION NO. 3:00-cv-290
)
PENNSYLVANIA STATE) JUDGE KIM R. GIBSON
UNIVERSITY,)
)
Defendant.)

MEMORANDUM ORDER

Presently before the Court is Plaintiff's "Motion for Reconsideration of Denial to Open Judgment" (Doc. No. 65)—her most recent attempt to resurrect a case which was closed by this Court nearly a decade ago. For the reasons discussed below, the Court will deny this motion.

Plaintiff initiated this civil rights action by filing a complaint on November 1, 2000. (Doc. No. 1). Discovery was conducted, and on September 12, 2002, the Court granted summary judgment in favor of Defendant on all claims and closed the case. (Doc. Nos. 54 and 55). Plaintiff timely appealed, but the United States Court of Appeals for the Third Circuit affirmed this Court's decision on January 30, 2004. (Doc. Nos. 58 and 59).

Eight years passed, and on February 15, 2012, Plaintiff filed a "Motion to Open Judgment with Supporting Authorities" with this Court (see Doc. No. 60) and with the Third Circuit (Case No. 02-3873). In the motion, Plaintiff requested that the Court vacate the final judgment entered against her in 2002 and reopen the case on the grounds that her case was not properly considered and she was the victim of a conspiracy against her attorney. The matter was referred to Magistrate Judge Pesto, who issued a Report and Recommendation (Doc. No. 62) recommending that the motion be denied as meritless. This Court adopted the recommendation

and denied the motion on March 20, 2012. (Doc. No. 64). Similarly, the Third Circuit denied the motion pending before it on April 12, 2012. Plaintiff filed a motion requesting that the Third Circuit reconsider its decision, and this request was denied on July 12, 2012. (Doc. No. 70).

Through her pending motion, Plaintiff requests that this Court also reconsider its refusal to reopen the case. The Court, however, finds that it acted prudently and appropriately in denying Plaintiff's request to reopen. Plaintiff's motion—filed nearly ten years after this Court closed the case and over eight years after the Third Circuit affirmed that decision—is untimely. It also lacks merit, as the Third Circuit confirmed by denying Plaintiff's initial motion and subsequent motion for reconsideration.

Accordingly, this 19th day of July 2012, **IT IS HEREBY ORDERED** that Plaintiff's "Motion for Reconsideration of Denial to Open Judgment" (Doc. No. 65) is **DENIED**.

BY THE COURT:



KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE